

# COUNTY OF YORK

## MEMORANDUM

**DATE:** September 11, 2002 (BOS Mtg. 9/17/02)

**TO:** York County Board of Supervisors

**FROM:** James O. McReynolds, County Administrator

**SUBJECT:** Emergency Water Ordinance No. O2-18

As you are no doubt aware, Virginia is in the midst of one of the most severe droughts in the past 100 years. Brian Ramaley, the Director of Newport News Waterworks, and our major water supplier, provided you a comprehensive briefing on the current water supply situation at a recent board meeting and on what the future holds if the present drought trend continues. The National Weather Service long-range outlook indicates that drought conditions are likely to get worse over the next 90 days in spite of recent rainfall at the end of August. This situation will put additional strain on our public water and ground water supplies. Most river basins in Virginia are at record lows, and record numbers of private wells are going dry, as well as severe regional drought conditions.

As a result of this drought impact, Governor Warner issued Executive Order 33 on August 30, 2002, implementing water use restrictions that cover most of the state, with the exception of the Eastern Shore, Northern Virginia, and far Southwest Virginia. These restrictions prohibit lawn watering (except for lawn establishment/rehabilitation and not to exceed 30 days), watering of golf courses (except for tees and greens between the hours of 8:00 p.m. and 8:00 a.m.), filling swimming pools (except for health and safety reasons), and washing cars (except for commercial car washes). Although the Governor has issued mandatory restrictions, there is no enforcement mechanisms set out in the Order, and expectations are that the localities enforce the minimum state restrictions or greater restrictions as needed. The Order itself states that localities "may" adopt ordinances and establish penalties for violations of the restrictions. Also, local governments are already authorized by Code of Virginia Section 15.2-924 to adopt ordinances regulating the use of public water supplies (but not well water) in the event of a water supply emergency, and by Code of Virginia sections 44-146.19 and 44-146.21 to take comprehensive actions to abate either a local emergency, or a statewide emergency declared by the Governor. Together with the Governor's Order, these statutes give local governments ample authority to adopt ordinances restricting the use of public water supplies and well water.

Moreover, localities are authorized by Code of Virginia Section 15.2-1427 to adopt emergency ordinances without public advertising, provided that an emergency ordinance adopted in that manner cannot be enforced for more than 60 days unless readopted after compliance with the standard publication and notice requirements.

The attached ordinance closely follows a model ordinance recently proposed by the Virginia Municipal League. Boards and Councils for James City County and Williamsburg have already passed similar ordinances that reflect the State's model emergency ordinance.

Newport News Waterworks, under its emergency declaration, is seriously considering moving to its Tier 2 mandatory curtailment measures, and is also considering a similar ordinance to cover private well use, which is not covered currently under its emergency declaration. The Cities of Hampton and Poquoson have not taken any action to date and are waiting to see what actions will be taken by Newport News Waterworks. A meeting with the Peninsula Utilities will be held on September 17, 2002, in continued attempts to coordinate proposed water use restrictions.

I recommend adoption of proposed Ordinance No. 02-18 to support the Governor's executive order and in support of our neighboring jurisdictions of Newport News, Williamsburg, and James City County, who supply a majority of County citizens with potable water.

This emergency ordinance, if approved by the Board, would be effective immediately and will be advertised for readoption prior to the end of the 60-day period if circumstances seem to warrant it at that time.

Hudgins/3750